

Grape jam and seedless blackberry preserves. Adulteration, Section 402 (b) (2), products deficient in fruit had been substituted for grape jam and seedless blackberry preserves. Misbranding, Section 403 (g) (1), the articles failed to conform to the definitions and standards of identity for grape jam and seedless blackberry preserves since the articles were made from mixtures composed of less than 45 parts by weight of the fruit (grape or blackberry) ingredients to each 55 parts by weight of one of the sweetening ingredients specified in the definitions and standards.

DISPOSITION: May 18, 1954. Default decree of condemnation. The court ordered that the products be delivered to a State institution, for use other than for human consumption.

VEGETABLES

21334. Adulteration of dried mung beans. U. S. v. 40 Bags * * *. (F. D. C. No. 36329. Sample No. 82747-L.)

LIBEL FILED: February 19, 1954, Western District of Pennsylvania.

ALLEGED SHIPMENT: On or about October 8, 1953, from Enid, Okla.

PRODUCT: 40 100-pound bags of dried mung beans at Pittsburgh, Pa., in possession of Madam Chang Foods, Inc.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta; and, Section 402 (a) (4), the article had been held under insanitary conditions whereby it may have become contaminated with filth. The article was adulterated while held for sale after shipment in interstate commerce.

DISPOSITION: June 1, 1954. Madam Chang Foods, Inc., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond for segregation of the good portion from the bad under the supervision of the Food and Drug Administration. 700 pounds of the product were segregated as unfit and were destroyed.

21335. Adulteration of olives with pimento. U. S. v. 33 Cases * * *. (F. D. C. No. 35988. Sample No. 62663-L.)

LIBEL FILED: November 25, 1953, Eastern District of Missouri.

ALLEGED SHIPMENT: The article was imported from Benito Villamarin Prieto of Spain and repacked in St. Louis, Mo.

PRODUCT: 33 cases, each containing 24 bottles, of olives with pimento at St. Louis, Mo.

LABEL, IN PART: "Haase's Magic Circle Salad Olives Spanish Olives and Pimiento No. 12 Dr. Wt. 7½ Oz. Packed By A. C. L. Haase Co., St. Louis, Mo."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insect-damaged olives and insect-infested olives.

DISPOSITION: January 19, 1954. Default decree of condemnation and destruction.

21336. Adulteration of canned black-eyed peas. U. S. v. 48 Cases * * *. (F. D. C. No. 36693. Sample No. 67500-L.)

LIBEL FILED: March 18, 1954, Eastern District of Louisiana.

ALLEGED SHIPMENT: On or about February 13, 1954, by the Taormina Co., from Donna, Tex.

PRODUCT: 48 cases, each containing 24 cans, of black-eyed peas at New Orleans, La.

LABEL, IN PART: (Can) "Deer Fresh Shelled Black-Eyed Peas Contents 15 Oz. Avoir."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing an excessive amount of water as a packing medium had been substituted in whole or in part for canned black-eyed peas.

DISPOSITION: May 6, 1954. Default decree of condemnation. The court ordered that the product be delivered to charitable institutions for their use and not for sale.

TOMATOES AND TOMATO PRODUCTS

21337. Adulteration of canned tomatoes. U. S. v. 842 Cases * * *. Tried to the court and jury. Verdict for the Government. Decree of condemnation and destruction. (F. D. C. No. 34495. Sample No. 55535-L.)

LIBEL FILED: December 15, 1952, Western District of New York; amended libel filed May 8, 1953.

ALLEGED SHIPMENT: On or about October 8 and 20, 1952, by the O. M. Brown Canning Co., from Elwood, Ind.

PRODUCT: 842 cases, each containing 24 unlabeled cans, of tomatoes at Albion, N. Y.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: O. M. Brown Packing Co., Inc., appeared as claimant and filed an answer denying that the product was adulterated as alleged in the libel. Thereafter, the claimant and the Government served interrogatories upon each other, which were answered. The case came on for trial before the court and jury on June 3, 1954, and was concluded on June 8, 1954, with the return of a verdict for the Government. On June 23, 1954, the court entered a decree of condemnation and ordered that the product be destroyed.

21338. Adulteration of canned tomatoes. U. S. v. 998 Cases * * *. (F. D. C. No. 36136. Sample No. 59481-L.)

LIBEL FILED: November 23, 1953, Northern District of Georgia.

ALLEGED SHIPMENT: On or about September 14, 1953, by A. W. Sisk & Son, from Richmond, Va.

PRODUCT: 998 cases, each containing 24 cans, of tomatoes at Griffin, Ga.

LABEL, IN PART: (Can) "Rich-West Brand Tomatoes Contents 1 Lb. 3 Ozs. * * * Packed By Belmont Canning Co. Threeway, Va."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance by reason of the presence of decomposed tomato material.

DISPOSITION: January 5, 1954. Default decree of condemnation and destruction.

21339. Adulteration of tomato juice. U. S. v. 89 Cases * * *. (F. D. C. No. 36138. Sample No. 45771-L.)

LIBEL FILED: November 23, 1953, District of Massachusetts.